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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/588,879
Filing Date: June 06, 2000
Appellant(s): MORIMOTO, NOBUYOSHI

Robert C. Kowert, Reg. No. 39255
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/28/2008 appealing from the Office action mailed

09/21/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,925,442	Shapira et al.	8-2005
5,991,735	Gerace	11-1999
6,295,541	Bodnar et al.	9-2001
6,374,295	Farrow et al.	4-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

Claims 16, 18 – 20, 24, 26, 28 – 30, 33, 34, 36 and 37 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Shapira in view of what is well known in the art.

Referencing claim 16, as closely interpreted by the Examiner, Shapira teaches a system for

identifying a distinct computer user accessing a web site, the system comprising:

a client computer system operated by one or more computer users, (e.g., col. 7, line 42 – col.

8, line 6);

a web site server computer system, (e.g., col. 7, line 42 – col. 8, line 6);

wherein the client computer system is operable to connect with the web site server for

gaining access to said web site in response to requests from said one or more computer user,

(e.g., col. 7, line 42 – col. 8, line 6); and

wherein the web site server is operable to:

store one or more identifiers, wherein each identifier corresponds to a computer user

accessing said web site, wherein said each identifier comprises an Internet address and a time

value, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

receive a request from a first computer user to access the web site, wherein said request

comprises a first identifier corresponding to said first computer user accessing said web site,

wherein said first identifier comprises a first Internet address, and a first time value

associated with a launch of a web browser that has a home page requested on the client

computer system, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

search for an identifier matching said first identifier among said one or more stored

identifiers, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

identify said first identifier as a distinct computer user if said searching for said first

identifier did not result in a match, wherein a match comprises a match between the first

Internet address, and the Internet address in one of said one or more stored identifiers and a

match between the first time value and the time value in the one of said one or more stored

identifiers, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

Shapira teaches the synchronization of time with the request of a web page but doesn't

specifically teach wherein the time value is associated with a launch of a web browser on the

client computer system.

It is well known in the art that browser applications can have a "home page" that is requested

when the browser application is launched. Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to synchronize a browser time

with a global standard when the browser is launched because if the teachings of Shapira's

synchronization with requested web pages were to occur with a "home page" that was triggered by the launching of the browser application then it would be obvious that the launching of the browser application would start the process of synchronizing the time as described above.

Referencing claim 18, as closely interpreted by the Examiner, Shapira teaches said client computer system comprises a personal computer or a laptop computer or a notebook computer or an Internet-enabled cellular phone or an Internet-enabled personal digital assistant or a web television system, (e.g., col. 3, line 53 – col. 4, line 2).

Referencing claim 24, as closely interpreted by the Examiner, Shapira teaches said Internet address is an Internet Protocol (IP) address, (e.g., col. 4, lines 27 – 50).

Claims 19, 20, 26, 28 – 30, 33, 34, 36 and 37 are rejected for similar reasons as stated above.

Claims 1 – 3, 5, 7 – 9, 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira in view of Gerace (5991735).

As per claim 1, as closely interpreted by the Examiner, Shapira teaches a method for identifying distinct users accessing a web site, the method comprising:

storing one or more records in a database, wherein each record comprises an Internet address

and a time value, and wherein each record corresponds to a different computer accessing said

web site, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

receiving a first request from a first computer to access the web site, (e.g., col. 4, lines 27 –

50 & col. 7, line 42 – col. 8, line 6);

receiving said information, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

determining whether a matching record for said first Internet address and said first time value

exists in said database, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6); and

identifying said first computer as a distinct user if said matching record does not exist in said

database, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

However, Shapira does not specifically teach a separate request for information to said first

computer, wherein said information comprises a first Internet address and a first time value

corresponding to said first computer.

Gerace teaches a separate request for information to said first computer, wherein said

information comprises a first Internet address and a first time value corresponding to said

first computer, (e.g., col. 13, line 56 – col. 14, lines 25, *"stored locally on user's PC is a*

cookie", "request for a cookie", "newly built cookie is a unique user identification code,

time and date of login, and computer identification number" & col. 16, lines 45 – 55,

"cookie"), by utilizing a login procedure that also requests information that contains a time

and date of login and a computer identification number, which could be interpreted as an

Internet address. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Gerace with Shapira because requesting a login from a user

enables a the system to identify who the specific user is and what their preferences are if they have set up an account. Also, it is well known in the art that utilizing a login and identification system enables a system added security from predators that are not privileged to specific information pertaining to a user.

As per claim 2, as closely interpreted by the Examiner, Shapira teaches said time value is associated with a user-defined event, (e.g., col. 5, lines 4 – 19).

As per claim 3, as closely interpreted by the Examiner, Shapira teaches said user-defined event is a launch of a web browser software on said first computer system, (e.g., col. 5, lines 4 – 19). It is well known in the art that browser applications can have a "home page" that is requested when the browser application is launched. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to synchronize a browser time with a global standard when the browser is launched because if the teachings of Shapira's synchronization with requested web pages were to occur with a "home page" that was triggered by the launching of the browser application then it would be obvious that the launching of the browser application would start the process of synchronizing the time as described above.

As per claim 5, as closely interpreted by the Examiner, Shapira teaches said Internet address is an Internet Protocol (IP) address, (e.g., col. 4, lines 27 – 50).

As per claim 7, as closely interpreted by the Examiner, Shapira teaches generating and

updating a timestamp for each record, wherein said identifying comprises identifying said

first computer user as a distinct computer user only if said matching record does not exist in

said database or if said timestamp for said matching record is older than a predetermined

maximum time, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

As per claim 8, as closely interpreted by the Examiner, Shapira teaches said first computer is

a personal computer, a laptop computer, a notebook computer, an Internet-enabled cellular

phone, an Internet-enabled personal digital assistant, or an Internet-enabled television, (e.g.,

col. 4, lines 27 – 50).

Claims 9, 11, 12, 14 and 15 are rejected for similar reasons as stated above.

Claims 4, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shapira and Gerace as applied above, and in further view of Bodnar et al. (6295541)

(hereinafter Bodnar).

As per claim 4, as closely interpreted by the Examiner, Shapira and Gerace teach said time

value is generated by a time keeping device as described above but do not specifically teach

wherein said time keeping device is configured to synchronize said time value with a global

time keeping standard clock. Bodnar teaches said time keeping device is configured to

synchronize said time value with a global time keeping standard clock, (e.g., col. 9, lines 18 –

60). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Bodnar with the combine system of Shapira and Gerace because

synchronizing clocks minimizes problems due to any relative drift in the devices' clocks,

such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock

on a device.

Claims 10 and 13 are rejected for similar reasons as stated above.

Claims 17, 23, 27, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shapira as applied above, and in view of Bodnar et al. (6295541) (hereinafter

Bodnar).

As per claim 17, as closely interpreted by the Examiner, Shapira teaches said time value is

generated by a time keeping device as described above but do not specifically teach wherein

said time keeping device is configured to synchronize said time value with a global time

keeping standard clock. Bodnar teaches said time keeping device is configured to

synchronize said time value with a global time keeping standard clock, (e.g., col. 9, lines 18 –

60). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Bodnar with Shapira because synchronizing clocks minimizes

problems due to any relative drift in the devices' clocks, such as drifts caused by clock

inaccuracies or drifts caused by the user's re-setting of a clock on a device.

Claims 23, 27, 32 and 35 are rejected for similar reasons as stated above.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira and Gerace as applied above, and in view of Farrow et al. (6374295) (hereinafter Farrow).

As per claim 6, as closely interpreted by the Examiner, Shapira and Gerace do not specifically teach the database is an object oriented database or a relational database. Farrow teaches the database is an object oriented database or a relational database, (e.g., col. 3, line 61 – col. 4, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farrow with the combine system of Shapira and Gerace because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira as applied above, and in view of Farrow et al. (6374295) (hereinafter Farrow).

As per claim 25, as closely interpreted by the Examiner, Shapira does not specifically teach the database is an object oriented database or a relational database. Farrow teaches the database is an object oriented database or a relational database, (e.g., col. 3, line 61 – col. 4, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farrow with Shapira because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility.

Response to Arguments

Applicant's arguments filed 06/29/2007 have been fully considered but they are not persuasive.

In the Remarks, Applicant argues in substance that nothing is mentioned regarding the request including a time value associated with a launch of a web browser on a client computer. In fact, nowhere does Shapira associate a time value with the launch of a web browser on a client computer. Instead, the only time value Shapira mentions is the time of the Internet request as stored in the web log (and as determined by the server). Shapira states in column 5, lines 40-45, "This entry 1 1 a stores several important pieces of information. Entry 1 1 a stores the remote visitor's Internet address (visitor.sample.org), the time and date of the request ([12/Jan/1996:20:37:55], or Jan. 12, 1996, at 8:37:55 PM, Greenwich Mean Time, the request issued by the remote visitor 12 (Get/portal-ad.htm HTTP/1.0) and the referring URL." There is nothing in this passage that indicates that such a time value is received in the requests themselves (i.e., as part of an identifier received with the request), as required by Applicant's claim.

As to the First Remark, Applicant is asked to draw their attention to column 5, lines 35 et seq. It states, *"Upon **Receiving** the traffic data hit 11a…"*, which is very clear that the server receives the traffic data hit 11a and that what is sent in this traffic data hit, as explained in the

tables found in column 4, is a GMT time of the request. Therefore it is clear that the prior art

of Shapira teaches this limitation as claimed.

In the Remarks, Applicant argues in substance that Shapira does not disclose4 using a time

value associated with a launch of a web browser on the client computer system.

As to the Second Remark, Examiner has stated in the 103 rejection that it is well known in

the art that when a browser is launched, that a Home page can be called upon automatically

and loaded onto a client computer. This understanding of what is well known in the art with

the combine teachings of Shapira, teaches the claimed invention. The Applicant's claim

language reads, "a time value <u>associated with a launch of a web browser</u>". With the

Examiner's scenario, a browser is opened and the "home page" is called upon which would

send a Traffic Data Hit, associated with Shapira, and in this traffic data hit there would be a

time of request as taught by Shapira. Therefore the time value that is sent with the requested

home page is associated with the launch of the web browser and therefore reads on the claim

language.

Applicant states that this is not supported by the cited art. It is well known in the art that

Microsoft's® Internet Explorer, that can be found in numerous publications and predates this

application, has the ability to have a home page of the user's choosing open when Internet

Explorer is launched. Netscape® Internet Browser's also have this ability. This in

combination with the cited prior art, teaches the claimed language.

In the Remarks, Applicant argues in substance that Shapira does not teach any

synchronization when a web site is launched, much less receiving a request that includes a

time value reflecting a time at which a computer was synchronized with a global time

standard, or comparing such a synchronization time values with stored synchronization time

values. Shapira describes that the time of a request may be stored in terms of GMT time.

However, no synchronization would be necessary for the server to store the time in this way,

since the server itself determines and stores the time itself. In other words, Shapira's server

does not receive a time value with a request at all, so it does not receive a time value that

must be synchronized. In addition, there is nothing to suggest receiving an indication of a

synchronization time with a request or that such an indication would be useful in Shapira's

system. Shapira's system determines visitor sessions using a

As to the Third Remark, Examiner has already stated that Shapira teaches sending a time

value with the requested web page. The claim language states, *"wherein the time value*

reflects** a time at which a computer used by the first computer user to access the web site **was

*synchronized with a **global time standard"…"** wherein time value information in each entry*

of said database is associated with a time at which a computer used by a computer user to

*access the web site **was** synchronized with a **global time standard"**.* The key word is "was"

synchronized. As can be clearly seen in the tables of Shapira in column 4 and as pointed out

by the Applicant in column 5, lines 41 et seq., the prior art shows the use of Greenwich Mean

Time, GMT, which is known as a global standard time. If the system of Shapira uses GMT

that would mean that Shapira's time "Reflects" the GMT, which would mean that Shapira's

time is "synchronized" with the time used by the Global standard time. So at one point,

Shapira's time **was** set or "synchronized" with a global time standard. Therefore the prior art

teaches the claim language as stated by the Applicant.

In the Remarks, Applicant argues in substance that the combination of Shapira and Gerace

fails to teach storing one or more records in a database, where each record comprises an

Internet address and a time value, *where each record corresponds to a different computer*

accessing the web site. Furthermore, that Shapira teaches a system that analyzes a web site's

log files that track every exchange of traffic data between the web site and other computers to

match visitors with advertising campaigns and to determine the value or quality of visitors.

As to the Fourth Remark, Examiner sees nothing different between the prior art and the

Applicant's claim language. The claim language states one or more records and where each

record corresponds to a different computer accessing the web site. The prior art teaches

multiple records of multiple users. Therefore, the records do correspond to a different

computer accessing the web site.

In the Remarks, Applicant argues in substance that the combine teachings of Shapira and

Gerace fails to teach or suggest "receiving a first request from a first computer to access the

web site, sending a request for information to the first computer, where the information

includes a first Internet address and a first time value corresponding to the first computer,

receiving the information and determining whether a matching record for the first Internet

address and the first time value exists in the database.

Shapira teaches that each time a computer accesses the web server, the traffic data history is

stored in a log file. Each record in the log file includes the IP address and the date/time of the

access (Shapira, column 4, lines 26-49). Shapira teaches that the log of hit information is then

analyzed to assign qualification profiles to the visitor's session in order to evaluate the quality

and/or value of the visitor. Shapira's system already includes determining the IP address and

the date/time of access from the traffic hit data supplied when the client computer requests

access to web pages. **Thus, there would be no need to modify Shapira's system to include**

the cookies of Gerace to collect this information.

As to the Fifth Remark, the combination of Shapira and Gerace follows the same rational as

the Applicant's claimed invention, i.e., why resend for information that the server would

already have. The Applicant's invention claims that once a request from a user is received at

the server, **the server sends a request for the user's Internet address and time value**. If

the server is going to send a response to a user's computer that just sent a request to that

server, that would mean that the server **has the IP address of the requesting user's**

computer. Why would the Applicant's claimed invention need to ask for the user's computer

Internet address if the server is using it to send that request. Using the Applicant's same

rational, the Examiner has combined Shapira and Gerace for the same interpretation that the

Applicant has given in their invention. Furthermore, Shapira states that different formats of

the traffic data hits 11 are also possible and would be known to one skilled in the art, e.g.,

col. 4, line 63 – col. 5, line 3. Therefore, the use of Gerace's cookie's and the information stored in those cookies, time and IP address, in combination with Shapira, teaches the claim language.

All other arguments fall under the same rational as already discussed above and are still rejected for those reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hansen et al. U.S. Patent No. 6449604 discloses Method for characterizing and visualizing patterns of usage of a web site by network users.

b. Hansen et al. U.S. Patent No. 6182097 discloses Method for characterizing and visualizing patterns of usage of a web site by network users.

(10) Response to Argument

In the Arguments, Appellant argues in substance with regard to claim 16 that Shapira does not teach or suggest that the GMT time of the request is <u>sent by the remote visitor in the</u> <u>"traffic data hit."</u> Rather, Shapira says in column 1 that at the website each hit is "encoded with the date and time of the access" and in column 7, line 58 et seq., "if the visitor address already existed at step 510, then at step 520 the date and time of the hit are determined <u>at the web site</u> <u>only after the hit has already been received.</u> The hit referred to in Shapira is not described as

including a time value when it is received at the web server. Furthermore, Shapira does not teach

the remote visitor has sent a time value in the request.

As to the first argument, the Appellant is asked to first view where the "hit" data of Shapira can

originate from, which is stated in col. 3, line 46, *"Five sources of traffic data hits 11 (remote*

*system or visitor 12,...) are shown. Other sources are also possible. The traffic data hits 11 **can***

originate from any single source or from a combination of these sources. " This would let one

of ordinary skill in the art know that the traffic data hit can come from the visitor which reads on

the first part of the claim language. Further into Shapira it is stated that the "traffic data hits 11"

are formatted as seen in the table in column 4 which has element 33 that is a GMT date and time.

Therefore it is well understood that the traffic data hit can come from a source that is a visitor

and in the message sent, it is the "date and time of the access and time offset from GMT".

Further support for this is found in column 5, in which is states that the "traffic data hit" is a GET

command that is received by the server from the user. Appellant's citing of column 7 discusses a

determination of one scenario and does not over shadow where the hit data comes from.

     In the Arguments, Appellant argues in substance that Shapira clearly does not teach that

a time value included with the request is associated with the launch of a web browser on the

client computer. Furthermore, the Examiner has not provided any evidence of record showing

that then Microsoft's Internet Explorer or Netscape's Internet Browser access a home page after

being launched that a time value associated with the launch of the browser is included with the

request.

As to the second argument, Appellant is misunderstanding the rejection and use of well known

browsers. Examiner agrees with the Appellant that Microsoft's IE and Netscape's Internet

Browser does not utilize <u>a time value associated with the launch of the browser is included with</u>

<u>the request.</u> As was previously stated, Shapira is utilized in this manner. The use of the above

web browsers was to be used in <u>combination,</u> hence the 103 rejection, with Shapira. As was

previously stated in the last office action, the above web browsers can be set so when they are

launched, a home page is requested to be delivered to the user. The use of Shapira's "hit data" is

then used in combination with the above web browsers to send the information that is in the "hit

data" as discussed above in the first response to arguments. Therefore, when a user opens or

launches a web browser a set of actions occur that are the similar steps of the invention as it is

claimed. Therefore, in the combination, because the user opens the above web browser, a home

page is requested and in that request, utilizing the invention of Shapira, a time and date is also

sent with the request as "traffic data hit".

In the Arguments, Appellant argues in substance that the traffic data hit does not

identify the user as a "distinct user".

As to the third argument, Appellant does not specifically define what a "distinct user" could be.

It can be interpreted as one user being different or distinct from another or a new user. In the first

instance, as can be seen in column 4 in the table, a visitor address is used which can distinguish

that user from others. In the second instance, column 7, lines 42 et seq. discuss the use of the

address, date and time to determine if the use is a new user and if the user is in a session or a new

session must be started, i.e., the use is considered "new" as in the same regards as the Appellant's

teachings, page 13 et seq. the use of determining of a user is browsing sites or returns later and is

then timed out and determined as "new". Therefore, in Shapira, if the user is not timed out then

the user continues to use the same session information and a new session log is not needed, if the

user times out, then a new session log is used and therefore the user can be considered "new".

Appellant's argument 4 can be addressed in the same manner as the combination of responses to

arguments made above.

In the Arguments, Appellant argues in substance that there is no reason to combine the

inventions.

As to the fifth argument, the use of the well known web browsers was utilized to fit a scenario

with what the Appellant is attempting to claim. Shapira's invention teaches all aspects of the

Appellant's invention but does not explicitly teach this happening when a browser is launched.

Shapira's invention is already synchronized with a standard time, i.e., GMT, and using that time

when a web page is requested to determine if a user is new.

Using the ability of the above discussed web browsers, having a home page requested when the

browser is opened, is utilized in combination with Shapira's ability to send time information with

a request. It's obvious to combine the two because the use of time in a request, regardless if it is

because of a browser being opened and a home page being automatically request or selecting a

web page to go to, aids in determining if a user would require a new session and the old session

can be ended or if the user can use the same session information already stored in a server's

memory, i.e., the time did not expire. If time was not used in this determination, then a session

would stay open indefinitely therefore using up processor resources.

In the Arguments, Appellant argues in substance that Shapira does not teach

synchronizing with a global time standard as described in claims 20, 26 and 29.

As to the sixth argument, if the Appellant would draw their attention to columns 4 and 5. In

which one can see that the time and date are placed in a message, traffic data hit, at the instant

the request was generated. It is also noted that the time and date are GMT which is a global time

and the user's system is considered to always use this time which can be interpreted as the

system always being synchronized with the time. As seen in the Appellant's specification on

page 13, the computer is synchronized with a global time standard "like the one maintained by

the United States Naval Observatory or by Greenwich Mean Time (GMT)".

The response to the first arguments to claims 30, 33, 34, 36 and 37 can be determined from the

response given above to the other claims since they are virtually the same.

In the Arguments, Appellant argues in substance that the prior art of Shapira does not

teach to determine whether the computer user is counted as a web hit.

As to this argument, the prior art of Shapira teaches the use of sessions in the same manner of the Appellant's use of "web hits". Therefore it is interpreted that if a new session is generated as described above, it can be consider a "web hit" since the steps used in the prior art it determine a new session is virtually the same as the Appellant's invention to determine hits.

In the Arguments, Appellant argues in substance that Shapira in view of Gerace does not teach a first request from a first computer to access the web site, <u>sending a request for information to the first computer, where the information includes a first Internet address and a first time value corresponding to the first computer</u>, receiving the information and determining whether a matching record for the first Internet address and the first time value exists in the database. Appellant further argues that,

"Shapira teaches that each time a computer accesses the web server, the traffic data history is stored in a log file. Each record in the log file includes the IP address and the date/time of the access (Shapira, column 4, lines 26-49). Shapira teaches that the log of hit information is then analyzed to assign qualification profiles to the visitor's session in order to evaluate the quality and/or value of the visitor. Shapira's system already includes determining the IP address and the date/time of access from the traffic hit data supplied when the client computer requests access to web pages. **Thus, there would** be **no need to modify Shapira's system to include the cookies of Gerace to collect this information since the information is already logged in Shapira's system.**"

As to this argument, the Examiner would wonder the same for the Appellant's reason to request information that their system would already have. Appellant's invention states that a first request from a first computer is made to access a web site from a server. Then the server requests a first Internet address and a first time value. If the server requests information about a first computer then the server must have an address of some type to send the request. Since this is the case, than WHY would the Appellant's invention need to request an IP address since it can be interpreted that the server making the request is USING THE SAME IP ADDRESS THAT IS BEING REQUESTED. The combination of Shapira and Gerace is utilizing with the same logic as the Appellant's invention. Furthermore, one can make the argument that the cookie would have other authorization or identification information included within it that the first request of Shapira does not.

All other arguments in this section are discussed using the same responses as above.

The arguments to claims 3, 7, 12 and 14 are a combination of or similar to the arguments already addressed.

In the Arguments, Appellant argues in substance that Shapira, Gerace and Bodnar do not teach the time value is generated by a time keeping device, and the time keeping device is configured to synchronize the time value with a global time-keeping standard clock.

As to this argument, Appellant confirms that Bodnar discloses synchronizing various clocks on the respective devices for several datasets. The use of Shapira's GMT is utilized as a global standard, as discussed above. Therefore, it can be interpreted that the combination of Shapira's global time and Bodnar's ability to synchronize clocks on devices read on the Appellant's claim language.

Claims 17, 23, 27, 32 and 35 also falls under the same argument and is therefore responded to in similar light as above.

In the Arguments, Appellant argues in substance that Shapira, Gerace and Farrow do not teach the database is an object oriented database or a relational database. Furthermore, Appellant states that Farrow states that because the central database is relational, it can log any configuration changes in a separate area. The Examiner asserts that it would be obvious to combine Farrow with Shapira and Gerace "because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility." But the logging of "configuration changes in a separate area" has no bearing upon Shapira's method for "determining the value of visitors to a web site" or upon Gerace's apparatus for "determining the profile of a computer user." Neither Shapira nor Gerace is directed at Farrow's "transmitting configuration information between a central database and one or more servers in a network." There does not appear to be any reason to use a relational database in Shapira's system.

As to this argument, The definition of a relational database is a database that is organized and

accessed according to relationships between data items. Shapira utilizes similar fetchers in their

storage system but does not call for a relational database. Farrow's database stores information

about specific devices, one of which can be IP addresses, which is also used by Shapira. The use

of a relational database is commonly used to store information about a specific device or user

profile. The use of a relational database is not novel and is only a means for storage.

The arguments for claim 25 are similar in nature to the above argument and therefore the

response to the argument can also be applied herein.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/D. E. E./

Examiner, Art Unit 2143

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2143

Conferees:

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151

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